

REMARKS

Claims 1-12 are pending in this application, with claim 10 being withdrawn from further consideration. By this Amendment, claims 1, 2 and 10 are amended, and claims 11 and 12 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for amended claims 1 and 10 can be found, for example, on page 22, lines 5-10, of the specification. Support for amended claim 2 can be found, for example, on page 24, lines 6-12, of the specification. Accordingly, no new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

I. The Claims Define Patentable Subject Matter

Claims 1-9 are rejected under 35 U.S.C. §103(a) over Murayama et al. (U.S. Patent No. 5,757,399) in view of Sugimoto et al. (U.S. Patent No. 6,375,305 B2). This rejection is respectfully traversed.

Applicant submits that Murayama and Sugimoto, alone or in a permissible combination, fail to disclose a "secondary recovery portion including an ink absorber, which draws and absorbs the ink due a capillary phenomenon from the primary recovery portion to recover the ink," as recited in claim 1 (emphasis added). The Office Action acknowledges that Murayama does not disclose a secondary recovery portion, as recited in claim 1. The Office Action alleges that Sugimoto discloses a secondary recovery portion corresponding to the secondary recovery portion as recited in claim 1.

However, Applicant submits that the waste ink tank 30 of Sugimoto having a waste ink absorber 31, which the Office Action alleges as corresponding to the claimed secondary recovery portion, does not draw the ink due to a capillary phenomenon, as recited in claim 1. For example, as shown in Fig. 3 of Sugimoto, a suction pump 40 is used to suck ink from the orifice 52 (see Fig. 2), which is then received by the waste ink tank 30. Thus, the waste ink tank 30 and the waste ink absorber 31 do not draw the ink due to a capillary phenomenon, as

the ink is sucked by the suction pump 40. Accordingly, Sugimoto does not disclose "a secondary recovery portion including an ink absorber, which draws and absorbs the ink due to a capillary phenomenon from the primary recovery portion to recover the ink," as recited in claim 1 (emphasis added).

Furthermore, Fig. 16 of Murayama clearly illustrates that the ink merely drops from the waste ink opening 13 of container 2 into a waste ink catch 2032 as a result of its own weight. Therefore, even if the waste ink catch 2032 of Murayama is replaced by the waste ink tank 30 and the waste ink absorber 31 of Sugimoto, the waste ink tank 30 and the waste ink absorber 31 only receive and absorb the waste ink flowed down, and do not draw and absorb the ink.

Accordingly, for at least the reasons discussed above the combination of Murayama and Sugimoto fails to disclose or suggest all of the features recited in independent claim 1. Withdrawal of the rejection of independent claim 1 is respectfully requested.

Withdrawal of the rejection of claims 2-9, which depend from independent claim 1, is respectfully requested for at least the reasons discussed above, as well as the additional features these claims recite.

II. Rejoinder of Claim 10

As a result of the May 2, 2006 Restriction Requirement, claims 10-12 have been withdrawn from consideration. For the reasons discussed below, Applicant requests rejoinder of withdrawn claim 10.

MPEP § 821.04 provides that withdrawn claims may be rejoined if they require all the limitations of an allowable claim.

For the reasons discussed above, Applicant submits that independent claim 1 is allowable. Further, Applicant submits that independent claim 10 may be rejoined because it

includes all of the features of claim 1. Accordingly, Applicant requests rejoinder and allowance of independent claim 10 for reasons similar to claim 1.

III. Conclusion

In view of at least the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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